

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**READING HEALTH SYSTEM,  
Plaintiff,**

**v.**

**BEAR STEARNS & CO., INC., n/k/a J.P.  
MORGAN SECURITIES LLC,  
Defendant.**

**:  
: CIVIL ACTION  
:  
:  
: No. 15-cv-1412  
:  
:  
:  
:  
:**

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of October, 2016, upon consideration of Defendant's Motion for Section 1292(b) Certification for Immediate Appeal of this Court's February 18, 2016 Order (Docket No. 41), Plaintiff's Response in Opposition (Docket No. 42), Defendant's Motion requesting consideration of its Limited Reply Memorandum of Law (Docket No. 43), Plaintiff's Response in Opposition (Docket No. 44), and Defendant's Limited Reply Memorandum of Law (Docket No. 46), it is hereby **ORDERED** that said Motion is **GRANTED**.<sup>1</sup>

BY THE COURT:

/s/ *Lawrence F. Stengel*

LAWRENCE F. STENGEL, J.

---

<sup>1</sup> On February 18, 2016, I granted Plaintiff's Motion to Compel Arbitration and denied Defendant's Cross-Motion to Enjoin Arbitration and Motion to Transfer Venue. (See Docket No. 29.) Defendant now requests that I certify that Order for immediate appellate review pursuant to 28 U.S.C. § 1292(b), so that the Third Circuit Court of Appeals can address the following question posed by Defendant: whether the United States Supreme Court decision in Atlantic Marine Construction Company, Inc. v. United States District Court for the Western District of Texas, 134 S. Ct. 568 (2013), requires a district court to enforce a forum selection clause by transferring a declaratory action seeking to compel arbitration, even if the district court determines that the forum selection clause does not cover the underlying arbitration that the plaintiff seeks to compel. (See Docket No. 41-2 at 1.)

28 U.S.C. § 1292(b) permits district courts to certify an order which involves "a controlling question of law as to which there is substantial ground for difference of opinion and [where] an immediate appeal from the order may materially advance the ultimate termination of the litigation." I find these conditions are satisfied with respect to my Order of February 18, 2016. Therefore, I will grant Defendant's Motion for Section 1292(b) Certification for Immediate Appeal of the February 18, 2016 Order.